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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.)
15 NASIR JAVAID,)
16 Defendant.)
17

No.: CR 3 05 70677 BZ

PARTIES' STIPULATION AND
PROPOSED ORDER CONTINUING
PRELIMINARY HEARING OR
ARRAIGNMENT AND WAIVING TIME
UNDER THE SPEEDY TRIAL ACT AND
FRCP 5.1

18 The parties stipulate and agree, and the Court finds and holds, as follows:
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20 1. The parties appeared on November 15, 2005 for the preliminary hearing or arraignment in
21 this matter before the Honorable Nandor J. Vadas, United States Magistrate Judge.

22 2. At that time, the parties requested that the matter be continued until December 8, 2005 at
23 9:30 a.m. before the duty magistrate judge, and requested an exclusion of time from November
24 15, 2005 until December 8, 2005 based upon effective preparation of counsel and continuity of
25 government counsel. The parties moved that this same time period be excluded from the
26 calculation of time under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1.

27 3. In light of the foregoing facts, the failure to grant the requested exclusion would
28 unreasonably deny counsel for the defense the reasonable time necessary for effective

preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A),
(B)(iv). The ends of justice would be served by the Court excluding the proposed time period.
These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. §
3161(h)(8)(A). In addition, the Defendant consents and there is good cause to extend time under
Rule 5.1.

4. For the reasons stated, the time period from November 15, 2005 until December 8, 2005
shall be excluded from the calculation of time under the Speedy Trial Act and Federal Rule of
Criminal Procedure 5.1.

SO STIPULATED.

DATED:

Respectfully Submitted,

4/16/05


MICHELLE MORGAN-KELLY
Assistant United States Attorney

DATED:


JAMES BUSTAMANTE
Counsel for Defendant Nasir Javaid

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED:


HON. JAMES LARSON
United States Magistrate Judge

1 preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A),
2 (B)(iv). The ends of justice would be served by the Court excluding the proposed time period.
3 These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. §
4 3161(h)(8)(A). In addition, the Defendant consents and there is good cause to extend time under
5 Rule 5.1.

6 4. For the reasons stated, the time period from November 15, 2005 until December 8, 2005
7 shall be excluded from the calculation of time under the Speedy Trial Act and Federal Rule of
8 Criminal Procedure 5.1.

9 SO STIPULATED.

10 DATED:

Respectfully Submitted,

11
12
13 MICHELLE MORGAN-KELLY
14 Assistant United States Attorney

15 DATED:

16 JAMES BUSTAMANTE
17 Counsel for Defendant Nasir Javadi

18 PURSUANT TO STIPULATION, IT IS SO ORDERED

19
20 DATED: November 18, 2005

21 HON. JUDGE
22 United States

23 Judge Nandor J. Vadas
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STIPULATION AND PROPOSED ORDER
NO. 3 05 70677 BZ